C. S. 101 - (1) (4)

NOTARY
S.L. SAHU
Notary/ Advocate
Pasna,
Mahasamund Dist.
M.P. India
Reg. No -5
CHHATTISGARH PRADESH

IN THE HIGH COURT OF CHHATTISGARH AT BILAPUR

W.P.NO. 3397 /2004

PETITIONERS
DEF NO. 1 & 2

1. Trilochan Pradhan, son of Dandhar Aged about 68 years,

2. Gautam Pradhan, son of Shri Dandhar aged about 63 years.

Both are resident of village Sirko, P.H. No. 40, Tah and distt. Mahasamund (C.G.)

VERSUS

RESPONDENTS
PLAINTIFFS

1. Swaraj Pradhan, son of Shri Radheshyam, aged about 53 years,

2. Swaroop Pradhan, son of Shri Radheshyam aged about 50 years

3. Divya Kumar Pradhan, son of Shri Radheshyam aged about 48 years.

4. Ravishankar Pradhan, son of Shri Radheshyam aged about 45 years.

5. Devendra Pradhan, son of Shri Radheshyam aged about 42 years,

6. Smt Sarojani Pradhan, wife of Shri Radheshyam aged about 75 years.

P. R. No. 2917/04
Presented by Shri R. Pradhan
26-8-04

(2) (5)

7. Radheshyam Pradhan, son of Bimbadhar Pradhan, aged about 77 years.

All are residents of village Sirko, PH No. 40, PO Sirko Tah and Distt. Mahasamund (Chhattisgarh)

RESPONDENT
DEFENDANT NO.3

8. State of Chhattisgarh, through: The District Collector, Mahasamund (Chhattisgarh)

WRIT PETITION UNDER ARTICLES 227 OF THE CONSTITUTION OF INDIA.

(97)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P.No. 3397/04

मामला क्रमांक ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	04-01-2005 Shri Raghvendra Pradhan learned counsel for the petitioners. Heard. The petitioner by the instant petition has challenged the order of Annexure P-1 passed by the learned Civil Judge Class II whereby the application of the petitioners filed under Order 13 Rule 10 of the CPC for requisitioning the records being the revenue papers like mutation register of annexure P-7 has been refused on the ground that the same is not practicable. Learned counsel for the petitioners submits that requisitioning of annexure P-7 being the mutation register, is necessary for the purpose of deciding the interim application as well as for adjudication of the case on merits as the certified copies of the same are not legible and therefore, learned Court below has committed an illegality while rejecting the application on the ground that the document is voluminous and further that the petitioners could obtain the legible certified copies of the said document from the concerned Court. ~~After hearing~~ Heard the counsel for the petitioner and ~~perusing~~ perused the impugned order passed by the learned Civil Judge Class II under Order 13 Rule 10 of the CPC. As per Order 13 Rule 10 of the CPC the discretion is vested with the concerned Court to send for the papers either from its own record or from any another record and as such in the present case I do not find any infirmity in exercising the discretion by the learned Civil Judge as the petitioners could obtain the certified copy of the desired document from the concerned Court and this can not be a ground to call for the record from the other Court that the legible certified copies are not made available to the petitioners.	

(98)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P.No. 3397/04

मामला क्रमांक.....**सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	Under these circumstances, I do not see any infirmity in the impugned order passed by the learned Civil Judge Class II and the petition is liable to be dismissed. Accordingly, the petition is dismissed. **Sd/-** **Dhirendra Mishra** **Judge**	

GRPRJ—FS/78—9/200(—50,000.